

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH WHITAKER,	:	CIVIL ACTION
	:	No. 16-2017
Plaintiff,	:	
	:	
v.	:	
	:	
HERR FOODS, INC.,	:	
	:	
Defendant.	:	

**O R D E R**

**AND NOW**, this **29th** day of **July, 2016**, after a hearing on July 11, 2016, and for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** as follows:

- (1) Defendant's Motion to Dismiss (ECF No. 3) is **GRANTED**;
- (2) Plaintiff is **GRANTED** leave to amend the dismissed claims by **August 18, 2016**; and
- (3) Defendant's Motion to Strike Class Allegations (ECF No. 3) is **DENIED without prejudice**.

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.